

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION AT LAFAYETTE

IN THE MATTER OF:

LARRY EUGENE PRUITT
FAY VIRGINIA PRUITT

Debtors

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CASE NO. 05-41239

DECISION AND ORDER

At Fort Wayne, Indiana, on April 25, 2006.

The notice of motion and opportunity to object which debtors (hereinafter “Movants”) served in connection with their motions to avoid the liens of R & E Enterprises, Inc. and Credit Bureau Asset Servicing and Security do not comply with the requirements of N.D. Ind. L.B.R. B-2002-2 because:

- a. The notices do not “contain a brief summary of the ground for the motion or have a copy of the motion attached to it.” N.D. Ind. L.B.R. B-2002-2(c)(4).¹
- b. The notice of the motion to avoid the lien of Credit Bureau Asset Servicing and Security and opportunity to object to it was not served upon the lienholder, but upon an attorney who has not filed an appearance in the bankruptcy. This is not appropriate. In re Rae, 286 B.R. 675 (Bankr. N.D. Ind. 2002).

Movants shall prepare and serve amended notices of the motions and opportunity to object which comply with N.D. Ind. L.B.R. B-2002-2 and file proof thereof within fourteen (14) days of this date. See, N.D. Ind. L.B.R. B-9013-4(a). The failure to do so will result in the motions being

¹The court notes that there appears to be some discrepancy between the information contained in the motions and the information contained on debtors’ schedules. For instance, the motions state that the value of the property in question is \$45,000, yet Schedule A reflects a value of \$53,500. In addition, in their motions, debtors appear to be claiming an exemption in the amount of \$21,500, yet Schedule C reflects a claimed exemption in the amount of only \$5,000. Whether these discrepancies will have any impact upon the relief sought is something the court need not determine unless notice of the motion is properly given.

denied without prejudice and without further notice.

SO ORDERED.

/s/ Robert E. Grant
Judge, United States Bankruptcy Court